

AGREED MINUTES SIGNED BETWEEN THE GOVERNMENT OF BURMA (MYANMAR) AND THE GOVERNMENT OF BANGLADESH ON REPATRIATION OF THE BURMESE REFUGEES, 1978.

The leaders of delegations, duly authorized by and on behalf of the Government of the Socialist Republic of the Union of Burma and the Government of the People's Republic of Bangladesh, following their talks held in Dhaka on 7<sup>th</sup> – 9<sup>th</sup> July 1978 have agreed as follows :

1. (a) The Government of the Socialist Republic of the Union of Burma agrees to the repatriation at the earliest of the lawful residents of Burma who are now sheltered in the camps in Bangladesh on the presentation of Burmese National Registration Cards along with the members of their families, such as, husband, wife, parents, parents-in-law, children, foster-children, grandchildren, son-in-law, daughter-in-law and widowed sisters;
2. (b) The Government of the Socialist Republic of the Union of Burma also agrees in the second phase to the repatriation at of the people who are able to present their documents issued in Burma with indication their residence in Burma, along with the members of their families, such as, husband, wife, parents, parents-in-law, children, foster-children, grandchildren, son-in-law, daughter-in-law and widowed sisters and also those persons and the members of their families, such as husband, wife, parents, parents-in-law, children, foster-children, grandchildren, son-in-law, daughter-in-law and widowed sisters, who will be able to furnish evidence of their residence in Burma, such as, address or any other particulars.
3. The residents of Burma mentioned in paragraph 1 above will be received on the border by the authorities of the Government of Burma in batches from the authorities of the Government of Bangladesh. The process of repatriation of such residents will commence not later than August 31, 1978, and is expected to be completed within six months from the date the first batch is received.
4. The two governments agree to appoint within the month of July 1978, their representatives who after scrutinizing the one inch and half-inch maps published by the Survey Department of India up to 1944 of the land section of the inherited Burma-Bangladesh international boundary, notifications and other relevant records and correspondences including the Surveyor-General of India Letter No. 6610-C dated 11<sup>th</sup> October 1944 to the Secretary to the Government of Burma, will submit to their respective government for approval of their recommendations on agreed international boundary description with a view to

concluding a formal boundary agreement between the two countries. The demarcation work is to start at the earliest opportunity on that section of the land boundary immediately north of the Naaf River Section and leading towards the tri-junction of the Burma-Bangladesh-India border.

5. The two Governments also agree to pursue at the earliest the task of the repairing or replacing damaged or missing reference markers in the Naaf River Section of the inherited Burma-Bangladesh international boundary and of making necessary amendments in the Protocol signed in Rangoon on 28 April 1966 and of the maps attached there to, which Protocol forms an integral part of the agreement between the Governments of the Union of Burma and the Governments of the Islamic Republic of Pakistan on the Demarcation of a Fixed Boundary between the two countries in the Naaf River signed in Rawalpindi on 9 May 1966.
6. The two Governments agree to adopt Border Ground Rules for effective control of the international boundary. The agreed Border Ground Rules shall be made effective at the earliest after the demarcation of the southern portion of the land boundary.
7. After compaction of repatriation of all the aforesaid residents of Burma from Bangladesh, the two Governments will co-operate for the prevention of the illegal crossing of the border by persons from either side. Both Governments agree to receive the repatriation of their residents who cross the boundary subsequent to the date when the Border Ground Rules come into force and who are found illegally in each other's country.
8. The two Governments agree to pursue further negotiations for the delimitation of the maritime boundary between Burma and Bangladesh.

Sd./-

TABARAK HUSSAIN  
Foreign Secretary and Leader of the  
Delegation of the Government of the  
People's Republic of Bangladesh  
Dhaka, 9<sup>th</sup> July 1978

Deputy Minister for Foreign Affairs and  
Leader of the Delegation of the Government  
of the Socialist Republic of the Union of  
Burma  
Dhaka, 9<sup>th</sup> July 1978

Source : Abdur Razzaq and Mahfuzul Haque, *A Tale of Refugees : Rohingyas in Bangladesh*, pp.

JOINT STATEMENT BY THE FOREIGN MINISTERS OF BANGLADESH AND MYANMAR ISSUED AT THE CONCLUSION OF THE OFFICIAL VISIT OF THE MYANMAR FOREIGN MINISTER TO BANGLADESH FROM 23-28 APRIL, 1992.

1. At the invitation of his excellency Mr. A S M Mustafizur Rahman minister for Foreign Affairs of the Government of the people's Republic of Bangladesh, his excellency U Ohn Gyaw, Minister for Foreign Affairs of the Union of Myanmar paid an official visit to Bangladesh from 23-28 April 1992 at the head of a 14- member delegation which included the Minister for Information of the Union of Myanmar his excellency Brig. General Myo Thant as Alternate Leader.
2. During his stay the Myanmar Foreign Minister U Ohn Gyaw accompanied by Brig. General Myo That, Minister for Information called on his Excellency Mr. Adbur Rahman Biswas, President of the people's Republic of Bangladesh. The Myanmar Foreign Minister accompanied by Myanmar Information Minister called on her Excellency Begum Khaleda zia Prime Minister of Bangladesh. H.E. Brig. General Myo Thant Minister for Information called on Barrisrer Nazmul Huda, Minister for Information, and the Minister of State for Relief and Rehabilitation of Bangladesh Mr. Lutfr Rahman Khan also called on his Excellency U Ohn Gyaw. Mr. Darioush Bayandor, Chief of Mission of UNHCR in Dhaka called on H.E.U. Ohn Gyaw, Minister for Foreign Minister of the Union of Myanmar.
3. Besides extensive tete-a-tete the two Foreign Ministers held two rounds of extensive talks, assisted by their respective delegation lists of which are annexed.
4. At the opening session of the official talks, his excellency the Foreign Minister of Bangladesh welcome his counterpart and expressed the hope that his long awaited visit would help in resolving the outstanding issues particularly the problem of Myanmar refugees not sheltered in Bangladesh. He briefly outlined the present situation of the Myanmar refugees now in Bangladesh and emphasized on four basic elements:
  - a) The exodus of people from Myanmar to Bangladesh to stop immediately;
  - b) Repatriation of the refugees to their original place of residence in honor, safety and dignity;
  - c) Undertaking of certain confidence building measures such as withdrawal/ cutback of troops from border areas/ forward position; and

- d) Lasting solution of the problem in the sense that there should be on recurrence of such or similar problems in future.

The Foreign Minister proposed the involvement of UNHCR to ensure the above. He mentioned that Bangladesh had all along had a peaceful border with Myanmar except on two occasions 1978-79 when there were influxes of refugees from Myanmar into Bangladesh.

The Foreign Minister reiterated that Bangladesh was committed to maintain the traditional friendly and good neighborly relations with Myanmar and was hopeful that through amicable negotiations a peaceful and lasting solution of the problem will be achieved. The foreign Minister categorically mentioned that Bangladesh had no intention to interfere in the internal affairs of Myanmar. He added that Bangladesh and Myanmar were permanent neighbors which was of overriding consideration which was and it was in the interest of both the countries to remove the existing irritants through amicable negotiations. The Foreign Minister of Bangladesh then introduced the members of his delegation and handed over a draft agreement to counterpart for examination. He then invited Myanmar counterpart to put forward their proposals.

5. In reply, the leader of the Myanmar Delegation expressed his gratitude for the warm welcome accorded to him and his delegation by the Bangladesh side and stated that he had brought along the goodwill of the Myanmar leaders and the people to the leaders and the people of Bangladesh. The size and composition of the Myanmar Delegation is indicative of this positive attitude to amicably resolve the issue. Both sides were acquainted with each other and understood what was required to be done. He also confirmed that there exist positive elements on what both sides need to undertake. In conclusion, he stated that Myanmar looked beyond resolving the current issue and expressed his desire that both sides would co-operate more closely in the future.
6. The two Foreign Ministers decided to form a Working Group consisting of senior members of the delegations for detailed discussion on the question of safe and voluntary repatriation of Myanmar refugees presently sheltered in Bangladesh and related issues and to resolve the problem on a permanent and lasting basis.
7. In the light of the above, both sides exchange views and agreed as follows:
  - i. The two sides reiterated their firm conviction to resolve their problems amicably and peacefully through bilateral negotiations on the basis of mutual understanding, accommodation, trust and goodwill and maintain peace and tranquility on their borders.

- ii. The two sides agreed in full faith to abide by the Five Principles of Peaceful Co-existence.
- iii. The Government of the Union of Myanmar agreed to take all necessary measures that would half the outflow of Myanmar residents to Bangladesh and encourage those who had left Myanmar to return voluntary and safely to their homes.
- iv. The Government of the Union of Myanmar in a spirit of co-operation agreed to accept after scrutiny all those people who took shelter in Bangladesh and whose presence had been recorded through Refugee Registration Cards issued by the Government of Bangladesh at their point of entry into Bangladesh and which inter-alia listed available evidence of their residence in Myanmar. On the basis of the scrutiny of the lists provided by the Government of Bangladesh, the Government of the Union of Myanmar agreed to repatriate in batches all persons inter-alia: carrying Myanmar citizenship Identity Cards / National Registration Cards: those able to present any other documents issued by relevant Myanmar authorities and: all those persons able to furnish evidence of their residence in Myanmar, such as addresses or any other relevant particulars. The Government of the Union of Myanmar agreed that there could be no restriction of number of persons so long as they could establish bonfire evidence of their residence in Myanmar. They further assured that the lists provided by Bangladesh closely coincided with those persons verified by the Myanmar authorities.
- v. The two sides agreed that the residents of Myanmar identified in Para (iv) above would be received at the borders by the authorities of the Government of the Union of Myanmar in bathes from the authorities of the Government of the people's Republic of Bangladesh by a specific Mutual Agreement on physical arrangements for repatriation of Myanmar residents to be agreed upon at the technical level which would include inter-alia time schedules, transport and logistic arrangements, reception procedures, communication systems. Both sides agreed that the process of repatriation should commence within two or three weeks at a mutually agreed date and be completed within six moths from the date the first batch is received.
- vi. Both sides agreed that repatriation should be safe and voluntary, that the Myanmar returnees should be settled in their own households and original places or residence to enable them to carry on their livelihood as members of Myanmar society. It was agreed that the Government of Bangladesh would fully associate the

representatives of the UNHCR to assist them in the process of safe and voluntary repatriation. The Government of the Union of Myanmar agreed that the services of the UNHCR could be drawn upon as heeded at an appropriate time.

- vii. Both sides recognize the role of UNHCR in various stages of repatriation process, facilitating the reduction of international concern in the context of voluntary and safe return of the Myanmar residents, the Myanmar side also assured that on-ground work programme will be drawn up in full consideration of this aspect after consultation with relevant authorities in Myanmar.
- viii. The two Governments agreed to work for a comprehensive and permanent solution of the problem so as to prevent its recurrence in the future.
- ix. After completion of the repatriation process from Bangladesh of the Myanmar residents, the two Governments agreed to co-operate for the prevention of illegal border crossings by persons from either side appropriate controls.
- x. The two Governments agreed to take all necessary measures to enhance security and tranquility in their borders in full compliance with the Agreement on Border Arrangements and Cooperation (Border Ground Rules) signed by the two countries in 1980. In this context they agreed to take necessary confidence building measures. The two sides meetings between the sector commanders of their respective border security forces towards this end.
- xi. Both Governments agreed that they would oppose any form of terrorism; insurgency or unfriendly acts such as smuggling, gun running or drug trafficking directed against their neighbors. They agreed that they would not harbor or support any terrorists or criminals involved in such activities. They also agreed that their respective law enforcing agencies would closely cooperate together to prevent such acts.
- xii. The land boundary North of the Naaf River Sector of the common boundary had been successfully demarcated jointly by the two Governments in accordance with the Agreement between the Government of the Socialist Republic of the Union of Myanmar and the Government of the people's Republic of Bangladesh on the Demarcation of the Land Section of the Boundary North of the Naaf River signed at Dhaka on 23 May 1979, pursuant to article III of the said agreement, Myanmar side drafted the text of the boundary treaty which was transmitted to the Bangladesh side on 10

June, 1991. The two Governments hereby agree that the Boundary Treaty should be signed at the earliest possible opportunity.

8. The meeting was conducted in a friendly and cordial atmosphere reflecting the traditional friendship existing between Myanmar and Bangladesh. Both sides expressed their appreciation on the positive outcome of the discussions.
9. The leader of the Myanmar Delegation expressed his deep appreciation for the warm hospitality extended to his Delegation by the Government of the people's Republic of Bangladesh during its stay in Dhaka.

Sd./-

A.S.M. Mostafizur Rahman  
Minister for Foreign Affairs  
Leader of Bangladesh Delegation  
Dhaka, 28<sup>th</sup> April, 1992

Sd./-

Ohn Gyaw  
Minister for Foreign Affairs  
Leader of Myanmar Delegation

Source : *Ministry of Foreign Affairs*, Repatriation Agreement, File No. 130.

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH AND THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

The Government of the people's Republic of Bangladesh (hereinafter referred to as the GOB), and the office of the United Nations commissioner for Refugees (hereinafter referred to as the UNHCR):

- Recalling the problems created by refugees and displaced persons coming from the Union of Myanmar.
- Recalling the request of the GOB dated 13 February 1992 for humanitarian assistance to the Secretary General of the United Nations and the United Nations High Commissioner for Refugees.
- Noting that the Secretary General of the United Nations requested the UNHCR to co-ordinate assistance from the international community to Myanmar Refugees in Bangladesh.
- Recalling further the response dated 14<sup>th</sup> of February 1992 by the High Commissioner in which she agreed to assist GOB within the framework of the UNHCR mandate.
- Mindful of the generous hospitality continued assistance and security provided by the GOB and the people of Bangladesh to the Myanmar refugees in the light of cumulative political, economic, social pressure and environmental degradation faced by them in hosting quarter million refugees.
- Bearing in mind the fact that the High Commissioner shall provide for the protection of refugees falling under the competence of her office by promoting through special agreements with the GOB the execution of any measure calculated to improve the situation of refugees and to reduce the numbers requiring protection and assisting governmental and private offers to promote voluntary repatriation or resettlement in third countries.
- Recalling the GOB's commitment to the principle of voluntary repatriation and UNHCR's involvement in the repatriation process on both Myanmar and Bangladesh for the safe return of refugees to Myanmar.
- Recalling further UNHCR's commitment to deploying every effort to ensure necessary funds for care, maintenance and voluntary repatriation of Myanmar refugees in Bangladesh.



- Considering that the work of the UNHCR is entirely nonpolitical and only humanitarian and social and shall relate, as a rule, to groups and categories of refugees.
- Noting that the Understanding of the 8<sup>th</sup> October 1992 reached after prolonged negotiation between the GOB and the UNHCR provides a viable framework for progressive cooperation on repatriation of Myanmar refugees in Bangladesh.
- Recalling the exchange of letters of 11,12,21 January 1993 between the prime Minister of the peoples Republic of Bangladesh and the Minister for Foreign Affairs, Government of the Peoples Republic of Bangladesh and the United Nations High Commissioner for Refugees.
- Considering further, UNHCR's willingness to provide technical assistance and financial support to the communities where the influx of refugees have caused negative impact on environment and other infrastructures and that this would be through appropriate agreements with the Ministry of Relief and the Economic Relations Division of the Government of Bangladesh.
- Resolving to co-operate in the promotion of voluntary repatriation of Myanmar refugees from Bangladesh to Myanmar.

Have agreed on the following provisions:

**1. Safe and Voluntary Repatriation**

- a. The two sides shall co-operate with each other to ensure safe and voluntary repatriation of Myanmar refugees who opt to return under existing conditions. GOB will allow free access to officials of the UNHCR and independently interview refugees in transit camps (so designated by GOB where refugees volunteering to return will be located) to determine the voluntary character of their decision to return.
- b. The procedures to be followed by the UNHCR officials in this respect for conducting independent interviews with prospective returnees for certifying the voluntary nature of the repatriation are described at Annexure-1 of this MOU.
- c. The UNHCR shall assist the GOB in smooth repatriation of refugees who opt to return on the basis of their (refugees) own judgment of the situation in their country. The Two sides shall co-operate and use their best endeavors to ensure that there would be no residual problems in Bangladesh.
- d. The two sides have hared to further expand the cooperative framework established through the Understanding reached

between the Government of Bangladesh and the UNHCR on 8<sup>th</sup> October 1992.

**2. Freedom of Option :**

The two sides shall cooperate with each other to prevent any attempt by any side to interfere with the exercise of freedom of option by the refugees.

**3. Information Session :**

The GOB will arrange holding of periodic information session in various camps in association with UNHCR in order to raise the level of awareness of the refugees of their options and responsibilities to the host country and to other fellow refugees. Both sides shall explain following:

- a. The temporary nature of the refugees' presence in Bangladesh will be stressed. They will also be told that they were accepted on humanitarian ground and given temporary shelters until their repatriation can be arranged.
- b. The refugees must abide by the law of Bangladesh and regulations of the camp. They should not get involved in any criminal activity including violence rioting possession of arms, ammunition etc. prejudicial to the public order and national security of the host country.
- c. A refugee waiting to return to Myanmar can do so at any time, and none can prevent him from exercising this right. No refugee, likewise, will be forced or coerced to leave Bangladesh, and
- d. That UNHCR will assist those refugees who would like to return voluntarily to their country of origin.

**4. Security Responsibility :**

- a. The GOB shall retain the responsibility for safety and security for the Myanmar refugees in the camps and outside. The GOB shall not allow armed elements in the camps nor possession of arms, ammunition and explosive devices by any among the refugees without proper permission of the competent authority of Bangladesh and will take appropriate measures to ensure this.
- b. In order to avoid situation which may lead to friction with local communities and to avoid the broad based dispersal of refugees to other parts of the country, the refugees shall be expected to reside within the camps and abide by the regulations of GOB in this respect.
- c. Persons arrested or detained under the laws of the land from the camps can avail legal assistance provided by UNHCR or shall be released in accordance with relevant procedure.

- d. The camp officials of the GOB may seek cooperation of UNHCR officials to defuse situations that are likely to degenerate into violence in camps of circumstances permit them to do so.
- e. While handling any problem relating to law and order in the camps, maximum restraint should be exercised by concerned officials. To this effect, UNHCR would facilitate provision of equipollents required for this purpose.
- f. The GOB assures that no refugee will be coerced into leaving against his/her will. Any allegation in this respect that is brought to the attention of GOB at the local level and at the capital will be promptly investigated and remedial action taken where appropriate.

**5. Access to Camps :**

In order to enable UNHCR to discharge its responsibilities including identification of those volunteering to return to Myanmar, GOB authorizes UNHCR to have free access to all refugee camps from 10 a.m. to 5 p.m. on all days and during other time on need basis UNHCR will provide a list of UNHCR personnel both international and local for whom special passes will be issued for this purpose.

**6. UNHCR Assistance to Returnees :**

- a. UNHCR shall undertake promotional activities to motivate the refugees to return home once intentional pressure for observing reasonable conditional for safety for the returnee is established in Myanmar in line with the Agreement of 28<sup>th</sup> April 1992 between the GOB and Myanmar. The GOB as a part of international community will work for having such a prides as soon a presence.
- b. UNHCR will provide repatriation assistance, the composition of which shall be agreed upon between the two sides as soon as possible.
- c. The two sides agree that relief efforts designed to meet minimum needs of refugees in all relevant sectors including in transit centers, shall be pursued. To this effect, a project agreement shall be signed between the concerned Ministries of GOB and UNHCR.

**7. Orientation Session for UNHCR and GOB Officials :**

Both sides agreed to organize orientation sessions and training workshops for camp officials of the GOB and local officials of UNHCR and NGOs with a view to familiarize themselves with the objectives, functions and responsible of each side. It may be noted that Bangladesh being the host country to the refugees GOB is primarily responsible for the welfare, security and repatriation of the refugees and the UNHCR is here to assist

GOB for these purposes and for discharging its international protection mandate.

Emphasis should be on evolving a code of conduct based on mutual respect and observing sensitivity of the country and its people.

**8. Revision of the MOU :**

Both sides agree to keep the matter of progressive development of the MOU under constant review particularly the subject of access based on their experience of implementation of the existing provisions of this MOU for a reasonable period.

**9. Settlement of Difference :**

- (a) Both sides agree that any difference in interpretation and or implementation of this MOU shall be resolved amicable and expeditiously through consultation.
- (b) In the event of failure to resolve differences, as per provision of 9(a) above, both sides reserve the right to withdraw from the Agreement by giving 30 days notice in writing.
- (c) Both sides agree not to make any public statement on any matter related to the MOU and prejudicial to their relations.

**10. Entry into Force:**

This Memorandum of Understanding shall enter into force from the date of signature by the two sides and shall remain in force for one year from that date. It shall be renewed automatically for another year unless either side give notice to the contrary.

In witness whereof, the authorized representatives of the GOB, and the UNHCR do hereby sign this Memorandum of Understanding.

Done at Dhaka in 1993 in duplicate in the English language,

For the Government of the  
People's Republic of  
Bangladesh

For the Office of the United Nations  
High Commissioner for Refugees

Source : *Ministry of Foreign Affairs, Repatriation Agreement, File No. 130.*

